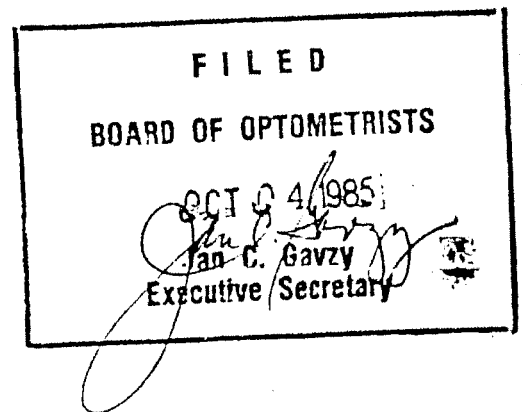


IRWIN I. KIMMELMAN  
ATTORNEY GENERAL OF NEW JERSEY

By: Wendy Molinari Arseneault  
Deputy Attorney General  
Division of Law - Room 331  
1100 Raymond Boulevard  
Newark, New Jersey 07102  
201-648-4738



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE BOARD OF OPTOMETRISTS

IN THE MATTER OF:	:	
	:	Administrative Action
THOMAS J. MARINO, O.D.	:	
LICENSE NO. 2878	:	CONSENT ORDER
	:	
	:	

This matter comes before the New Jersey State Board of Optometrists as a result of information received against Thomas J. Marino, O.D. (hereinafter referred to as Respondent). Respondent is licensed by the Board under certificate number 2878.

Respondent saw patient, Frank Campbell, in his office at 2000 Spruce Street, Trenton, New Jersey on January 15, 1985. Mr. Campbell presented a complaint of an irritated right eye to Respondent, who had provided optometric services to this patient since February 1983. Respondent diagnosed him as having conjunctival infection in the right eye. Respondent then dispensed to him Neosporin antibiotic eye drops, with instructions to use the drops four times daily and return to the office in two days for a follow-up examination. However, Mr. Campbell called Respondent after two days reporting discomfort, at which time Respondent arranged an appointment for Mr. Campbell to be seen by an ophthalmologist.

The above conduct by Respondent is a therapeutic measure which constitutes a practice currently beyond the permitted scope of optometry in New Jersey and, therefore, constitutes a violation of N.J.S.A.45:12-26. Inasmuch as the Board regards the above stated actions by Respondent as a method of treatment of human ailment, pain and/or physical condition, he also contravened N.J.S.A.45:12-9.7. Further, the Board regards the above actions as professional misconduct pursuant to N.J.S.A.45:1-21e.

For resolution of this matter without resort to litigation, and Respondent having duly consented to the entry hereof in settlement of these matters;

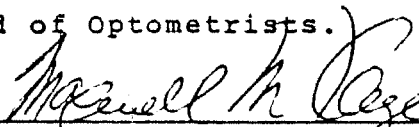
IT IS ON THIS 20th day of Sept., 1985

ORDERED and AGREED that:

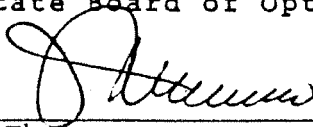
1. Respondent, Thomas J. Marino, O.D., shall Cease and Desist from engaging in any of the following acts or practices, until such time as the New Jersey legislature may modify or amend N.J.S.A. 45:12 et seq. to permit any of the following acts or practices;

- (a) The treatment of any ocular abnormality, disease or defect by drugs or medications.
- (b) The recommendation or performance of any therapeutic measure for the purpose of treating or alleviating symptoms of any ocular disease.

2. Respondent shall pay a civil penalty in the amount of \$500.00 Said amount shall be paid within ten (10) days of the service of this Consent Order by certified check or money order payable to the New Jersey State Board of Optometrists.

  
Maxwell M. Kaye, O.D., President  
State Board of Optometrists

I have read and understand the terms and conditions set forth herein and agree bound by them.

  
Thomas J. Marino, O.D.